In the High Court for the Statesof Punjab and Haryana at Chandigarh

…

Civil Revision No.4755 of 2007

Date of decision: 18.9.2007

Ajmeru @ Ajmer Singh ... Petitioner

Versus

Sukar son of Munshi .Respondent

Coram: **Hon'ble Mr.Justice Rajesh Bindal**

Present: Mr.A.S.Sullar,Advocate
for the petitioner.

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RAJESH BINDAL,J.

The defendant is before this Court challenging the orders passed by both the courts below, in an application under Order 39 Rules 1 and 2 CPC, in favour of the respondent-plaintiff directing the parties to maintain status quo regarding shifting of electricity connection.

The parties in the petition are real brothers. The dispute is regarding shifting of a tubewell connection. It is not in dispute that tubewell was installed when the land of both the parties was a common khata. The petitioner wanted to shift the tubewell to some other place only for the reason that connection was taken in his name. Both the courts below found that no partition of the land had taken place. Once both the parties are having a joint khata and the tubewell is installed in the name of one person that did not entitle him to get the same shifted to any other place according to his sweet will.

In my opinion, no illegality has been committed by both the courts below in deciding the application under Order 39 Rules 1 and 2 C.P.C. granting injunction in favour of the respondent-plaintiff.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

September 18,2007 (Rajesh Bindal)
nk Judge